

EXHIBIT 4



CITY OF DETROIT
LAW DEPARTMENT

April 24, 2018

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Jennifer G. Damico
Mike Morse Law Firm
24901 Northwestern Hwy., Ste. 700
Southfield, MI 48075

RECEIVED

APR 27 2018

MIKE MORSE LAW FIRM

**RE: Freedom of Information Act Request No. A18-02213 Dated March 26, 2018
Concerning Detroit Police Department (DPD) Records Pertaining to an Incident on
March 11, 2018 Involving Michael Karpovich – Deposit Request –
Your File No.: 600-18-02381**

Dear Ms. Damico:

This letter serves as the City of Detroit's response to the above-referenced matter. Your request was received at the City of Detroit Law Department FOIA Section on March 27, 2018. Thank you for your patience in this matter.

Your request seeks:

- “1. The original full and complete file pertaining to the incident involving Karpovich (referred to as "incident" hereinafter), including, but not limited to all files, file folders, notes, interoffice memorandum, records, investigation records, witness statements, reports, dispatch logs (whether computerized or handwritten), officer daily logs/sheets (whether computerized or handwritten), shift commander daily logs/sheets (whether computerized or handwritten), of the DPD, including DPD Internal Affairs Department ("IAD") and the multi-jurisdictional homicide task force.
2. A full and complete copy of the DPD Manual, commonly referred to as the "General Orders" including all revisions, updates, Memorandums of Understanding and Special Orders to Chapter 304 - Use of Force, Outside Employment, External Complaints, Incident Documentation, Investigation and Review, Command Notification, and Use of Department Vehicles from 2013 to March 11, 018.
3. Any and all 911 computer aided dispatch records, run sheets, dispatch notes, printouts and audio recordings pertaining to the incident.
4. Any and all computer aided dispatch records, run sheets, dispatch notes, printouts and audio recordings from Leach, Persons or any other unnamed DPD officers, on duty or off duty, pertaining to the incident.
5. Any and all recordings of all telephone calls to any police station,

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shift commander and/or DPD-issued telephone, from Leach, Person, or any other unnamed DPD officers, on duty or off duty, pertaining to the incident.

6. Any and all recordings of all telephone calls to any DPD police station, shift commander and/or DPD-issued telephone from Ottawa Via on March 11, 2018 pertaining to the incident.

7. Any and all Excessive Use of Force Reports and Excessive Use of Force Investigations compiled and/or maintained in the risk management database as required by the July 2003 Consent Judgment, in Case No. 03-cv-72258 ("Consent Decree"), including, but not limited to, the name of each involved officer, and badge number, the officer's supervisor and civilian (including race, ethnicity or national origin, sex and age).

8. The 18-page written guidelines accompanying the "Use of Force Repo "that were promulgated as a result of the 2003 Consent Decree.

9. Any and all Excessive Use of Force Reports and Excessive Use of Force Investigations compiled and/or maintained in the risk management database as required by the July 2003 Consent Judgment, in Case No. 03-cv-72258 ("Consent Decree"), including, but not limited to, the name of each involved officer, and badge number, the officer's supervisor and civilian (including race, ethnicity or national origin, sex and age) from 2013 to March 11, 2018.

10. Reports, data and/or documentation pertaining to any and all civil claim or lawsuits filed and compiled and/or maintained in the risk management database as required by Consent Decree, resulting from the alleged excessive use of force by a DPD officer, including but not limited to, the name of each involved officer and badge number, the officer's supervisor and civilian (including race, ethnicity or national origin sex and age).

11. The complete personnel file of Timothy Leach including but not limited to all written reprimands, suspensions, demotions, complaints, department violations and notices, continuing education and training courses, disciplinary action, non-disciplinary corrective action, performance reviews, and supervisor reports.

12. A complete copy of the IAD's file for Timothy Leach.



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13. A complete copy of the OCI's file for Timothy Leach.
14. The complete employment file of Fred Person including but not limited to all reprimands, suspensions, complaints, department violations and notices, continuing education and training courses, disciplinary action, non-disciplinary corrective action, performance reviews, and supervisor reports.
15. A complete copy of the IAD's file for Fred Person.
16. A complete copy of the OCI's file for Fred Person.
17. Any and all contracts, documents, applications, including any "FORM 586" interoffice requests, interoffice memos, emails, electronically-stored data and information, approvals, denials, renewals, reviews, appeals, notices and/or memoranda, between Leach and the DPD regarding any outside employment requested by Leach from 2013 to March 11, 2018.
18. Any and all contracts, documents, applications, including any "FORM 596" interoffice requests, interoffice memos, emails, electronically-stored data and information, approvals, denials, renewals, reviews, appeals, notices an or memoranda, between Person and the DPD regarding any outside employment requested by Person from 2013 to March 11, 2018.
19. Any and all contracts, documents, applications, including any "FORM 586" interoffice requests, interoffice memos, emails, electronically-stored data and information, approvals, denials, renewals, reviews, appeals, notices and/or memoranda, between T. Leach Enterprises and the DPD regarding any outside employment requested by T. Leach Enterprises from 2013 to March 11 2018.
20. Any and all contracts, documents, applications, including any "FORM 586" interoffice requests, emails, electronically-stored data and information approvals, denials, renewals, reviews, appeals, notices and/or memoranda, between any other unnamed DPD officers present at Ottawa Via on March 11, 2018, identified by DPD Chief James Craig during the March 20, 2018 press conference, regarding any outside employment requested by Leach and/or Person from 2013 to March 11, 2018.
21. Any and all documents supporting DPD Chief James Craig's



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statement to the Detroit Free Press on March 20, 2018, that approval for Timothy Leach's company to perform off duty outside employment had lapsed.

22. All bulletins, interoffice memoranda, notes, emails, documents, data, correspondence, regarding the number of off duty DPD officers working outside employment during the Corktown St. Patrick's Day Parade Weekend from 2015 through 2018, including but not limited to any information regarding changes in the number of uniformed and/or "on duty" officers and/or patrol officers working in the 3rd Precinct."

The Detroit Police Department (DPD) estimates that search and retrieval of the requested record will require two hundred sixty-seven (267) hours of staff time at an hourly rate of \$27.86 plus benefits, plus two and a half (2.5) hours of staff time at an hourly rate of \$37.87 plus benefits, plus one (1) hour of staff time at an hourly rate of \$25.12 plus benefits. Prior to release, City of Detroit Law Department personnel must conduct a line-by-line review of the record in order to separate exempt from non-exempt information. Review and redaction of the record by the Law Department will require an estimated fifty (50) hours of staff time at an hourly rate of \$25.24 plus benefits. These hourly rates are commensurate with the lowest paid personnel capable of performing the task in the respective departments. See, Section 4(1) and (3) of the Michigan Freedom of Information Act, MCL 15.234(1) and (3). Accordingly, the City will incur total estimated cost in the amount of Twelve Thousand Three Hundred Fifty-Three and 62/100 (\$12,353.62) in order to comply with your request. As this response is four (4) days past due, you are entitled to a reduction in labor costs of twenty percent (20%). Thus the reduced estimated labor cost is Nine Thousand Eight Hundred Eighty-Two and 89/100 (\$9882.89).

If you wish to proceed with this request, we require that you submit a deposit in the amount of one-half (½) of the total estimated labor cost, in accordance with MCL 15.234(8). Accordingly, please forward your check or money order in the amount of **Four Thousand Nine Hundred Forty-One and 44/100 Dollars (\$4941.44)** made payable to the "City of Detroit" to my attention no later than May 24, 2018. Please note that we do not accept cash.

Upon receipt of your deposit, in accordance with MCL 15.234(1) and (3), we will request that the Police Department commence its search and retrieval of the record and provide you with: a supplemental written response outlining the information that has been exempted from the record; the legal authority for each exemption; and the cost for you to obtain a copy of the record. In that regard, please note that the City charges \$1.00 for computer disk (CD) or \$0.10 per page for copies of ten (10) or more pages. *Please note that if we are not in receipt of your deposit by the above-referenced date, we will be closing our file on this request.*

Please note, the final cost will most likely be higher than the above estimated cost, as we do not have an estimate for OCI records and the time for Law to review the record will most likely take longer than the above estimate.



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Please see enclosed Fee Itemization Form and make your check or money order payable to "City of Detroit" and forward to my attention. It is important to note that we do not accept cash. I estimate it will take four (4) months to complete the search and review of the record once we receive your deposit.

You can find the summary of the City of Detroit Freedom of Information Act procedures and guidelines at www.detroitmi.gov and specifically at www.detroitmi.gov/How-Do-I/File/Freedom-Of-Information-Act-FOIA.

Please note that pursuant to Section 10 and 10a of the Act, MCL 15.240 and 15.240a, a person receiving a written denial of a request or receiving a letter to submit the labor costs may do one of the following:

- 1) Submit a written appeal to the head of the public body denying the request. Such appeal, if submitted, should specifically state the word "appeal" and identify the reason or reasons for reversal of the disclosure denial. MCL 15.240(1)(a) and MCL 15.240a(1)(a); or
- 2) Commence an action in the circuit court to compel the disclosure of the public records within 180 days after the public body's denial of the request, MCL 15.240(1)(b), or 45 days after the public body's request for labor costs, MCL 15.240a(1)(b). If a court finds that the information withheld by a public body is not exempt from disclosure, or that the labor costs requested by the public body exceeds the amount permitted, the requesting party may receive the requested record and, at the discretion of the court, reasonable attorney fees and /or cost. MCL 15.240(6) and (7), and MCL 15.240a(6) and (7).

Sincerely,

Jack P. Dietrich
Assistant Corporation Counsel
Freedom of Information Section
(313) 237-5030

JPD/

FOIA FEE ESTIMATE pursuant to MCL 15.234(8)pursuant to MCL 15.234(4),
effective January 1, 2016File Number: **a18-02213**

Line	Reference Component	Amount	Subtotal	Total
1	§ 4(2) Fringe benefit multiplier rate, maximum 50%	40.084%		
2	§ 4(1)(a) Labor for searching & examining to fulfill request			
3	hourly wage of lowest paid employee capable of work	\$27.86		
4	DPD fringe benefit multiplier @ 40.084%	140.1%		
5	Dept. modified hourly wage = line 3* line 4	\$39.02		
6	number of hours, rounded down to .25 increment	267		
7	line 5 multiplied by line 6		\$10,418.34	
8	hourly wage of lowest paid employee capable of work	\$37.87		
9	DPD fringe benefit multiplier @ 40.084%	140.1%		
10	Dept. modified hourly wage = line 8* line 9	\$53.04		
11	number of hours, rounded down to .25 increment	2.5		
12	line 10 multiplied by line 11		\$132.60	
13	Estimated Total - Labor for searching & examining			\$10,550.94
14	§ 4(1)(a) Labor for searching & examining to fulfill request			
15	DPD hourly wage of lowest paid employee capable of work	\$25.12		
16	fringe benefit multiplier @ 40.084%	140.1%		
17	modified hourly wage = line 15* line 16	\$35.18		
18	number of hours, rounded down to .25 increment	1		
19	line 17 multiplied by line 18		\$35.18	
20	Estimated Total - Labor for reviewing and redacting			\$35.18
21	§ 4(1)(b) Labor for reviewing and redacting			
22	hourly wage of lowest paid employee capable of work	\$25.24		
23	Law fringe benefit multiplier @ 40.084%	140.1%		
24	Dept. modified hourly wage = line 22* line 23	\$35.35		
25	Number of hours, rounded down to next increment	50		
26	line 24 multiplied by line 25		\$1,767.50	
27	hourly wage of lowest paid employee capable of work			
28	fringe benefit multiplier @ 40.084%	140.1%		
29	Dept. Rev			
30	Number of hours, rounded down to next increment			
31	line 29 multiplied by line 30			
32	Estimated Total - Labor for duplicating			\$1,767.50
33	Estimated TOTAL Labor costs - sum of lines 13, 20, and 32:			\$12,353.62
34	§ 4(9) Reduction in labor costs for late written response			
35	number of business days late	4		
36	reduction at 5% / day = 0.05 x line 35	20%		
37	maximum reduction	50%		
38	lesser of line 36 or line 37	20%		
39	Reduced amount = line 38 x line 33			(\$2,470.73)
40	Estimated Amount Chargeable for Labor Costs, after applicable reduction:			\$9,882.89

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FEE ESTIMATE

FOIA FEE ESTIMATE pursuant to MCL 15.234(8)pursuant to MCL 15.234(4),
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40	Estimated Amount Chargeable for Labor Costs, after applicable reduction		
	(copied from page 1):		\$9,882.89
41	§ 4(1)(d)	Estimated cost of paper copies	
42		number of 8½ x 11 or 8½ x 14 sheets	
43		price for 8½ x 11 or 8½ x 14 sheets	<u>\$0.10</u>
44		line 42 multiplied by line 43	
45		color or other size copies, size: ____ x ____	
46		actual price per page	
47		line 45 multiplied by line 46	
48		color or other size copies, size: ____ x ____	
49		actual price per page	
50		line 48 multiplied by line 49	
51		Total - estimated cost of paper copies	\$0.00
52	§ 4(1)(c)	Estimated cost of electronic media	
53		Number of CD's @ \$1.00	
54		Number of Flash Drives	
55		Number of Tapes	
56		Other:	
57		Sum of lines 53 - 56	
58		Total - estimated cost of electronic media	\$0.00
59		Estimated Costs of paper copies and electronic media - sum of lines 51 and 58:	\$0.00
60	§ 4(1)(f)	Estimated cost of mailing	\$0.00
61	§ 4(2)	Reduction for indigency or qualifying non-profit	
62		Affidavit/information provided: Y/N?	\$0.00
63		Estimated Net Charge after any reductions, but not less than zero	
		- sum of lines 40, 59, 60, and 62:	\$9,882.89
64		MAXIMUM AMOUNT FOR DEPOSIT -	
		50% of line 63, but only if line 63 exceeds \$50.00:	\$4,941.44
65		Sum of deposits, previous payments, other credits:	
66		CREDIT - for deposits and other previous payments:	\$0.00
67		DEPOSIT REQUIRED - Line 64 offset by line 66, but not less than zero:	\$4,941.44

FEE ESTIMATE